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To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:58am
Subject: Microsoft Settlement

Hello,

I am an American citizen, currently living and working in Germany. From my vantage, with the information available to me, the current PFJ has a large number of failings.

- The new licensing program which is being offered by Microsoft (see the article at <http://www.cio.com/archive/011502/meter.html>) offers a substantial reduction in fees in return for the agreement not to install any competing software. Surely this cannot be in the spirit of the original judgment in this case!

- Disclosure of SW patents protecting Windows API's is not required. How can a competitor know if his product infringes on a Microsoft patent? Competitors cannot be expected to 'give it a whirl' and hope that they aren't prosecuted. Lack of disclosure furthers and supports the Microsoft monopoly.

- Microsoft is allowed to retaliate against OEM's that ship PC's containing a competing OS and not containing Windows. Does this mean that OEM's will have to ship their PC's containing BOTH operating systems? And of course the customer is expected to pay license fees for both OS's - even if he didn't want Windows originally. The result of this will be that OEM's shipping Windows will effectively ship only Windows, thus effectively precluding all competition.

This is only a very short sampling of a long list of shortcomings in the proposed judgement. I sincerely hope that major changes are made before this goes into effect.

regards,
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